

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

PETRINA SMITH,)	
)	
Plaintiff,)	
)	
v.)	No. 19-1348C
)	Judge Roumel
UNITED STATES OF AMERICA)	
)	
Defendant.)	
)	

THE PARTIES' FOURTH JOINT MOTION TO AMEND THE PRE-CONDITIONAL
CERTIFICATION DISCOVERY AND MOTION BRIEFING SCHEDULE

Pursuant to Rules 6(b) and 6.1 of the Rules of the United States Court of Federal Claims (RCFC), plaintiff, Petrina Smith, and defendant, the United States of America, respectfully submit this joint motion to amend the pre-conditional certification discovery and motion briefing schedule, by requesting a 90-day enlargement of time to the current schedule.

This is our fourth request for an enlargement of time for this purpose. Good cause exists for this motion. We previously requested, and the Court granted, one 63-day and two 90-day enlargements of time for this purpose (ECF No.'s. 17, 19 and 21). The current conditional certification deadlines are as follows: (ECF No. 21)

Case Event	Scheduled Date
Deadline to Complete Pre-Conditional Certification Discovery	March 2, 2021
Plaintiff's Deadline to File Motion for Conditional Certification	March 9, 2021
Defendant's Deadline to File its Opposition to Plaintiff's Motion for Conditional Certification	April 7, 2021
Plaintiff's Deadline to File her Reply in Support of Motion for Conditional Certification	April 21, 2021

On January 25, 2021, defendant produced supplemental discovery and responses to plaintiff's counsel, including a sampling of Assistant Chiefs' time, attendance and training records. Plaintiff's counsel is in process of evaluating this supplemental production, and the parties are continuing to meet and to confer regarding defendant's production, including regarding the availability of the activity data requested by plaintiff. The parties had agreed that plaintiff would re-notice the depositions, including the 30(b)(6) deposition(s), after plaintiff counsel's receipt of defendant's supplemental production and responses. Plaintiff re-noticed the depositions to be completed this month (February). Defendant, however, has advised plaintiff that its designated 30(b)(6) witness will not be available until at least April 2021 due to personal health reasons.

Because the 30(b)(6) testimony regarding the classification of Assistant Chiefs is necessary for plaintiff's conditional certification motion, the parties have agreed to request this further 90-day extension to the pre-conditional discovery and briefing schedule for good cause, to allow time for plaintiff to complete the 30(b)(6) deposition(s) prior to briefing her motion for conditional certification. In the event the designated 30(b)(6) witness is not available for a deposition by the end of April, the parties agree to meet and to confer and to provide a supplemental update and proposal to the Court. The parties also respectfully propose that within 14 days after the Court issues a decision regarding plaintiff's motion for conditional certification, the parties shall file a joint status report providing a proposal for further proceedings. Thus, the parties have agreed and respectfully propose the following revised schedule:

Case Event	Current Date	Proposed Date
Deadline to Complete Pre-Conditional Certification Discovery	March 2, 2021	May 28, 2021
Plaintiffs' Deadline to File Motion for Conditional Certification	March 9, 2021	June 4, 2021
Defendant's Deadline to File its Opposition to	April 7, 2021	July 2, 2021

Plaintiff's Motion for Conditional Certification		
Plaintiff's Reply in Support of her Motion for Conditional Certification	April 21, 2021	July 16, 2021

Respectfully submitted,

/s/ David R. Markham

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February 23, 2021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of February 2021, the foregoing *The Parties' Fourth Joint Motion To Amend The Pre Conditional Certification Discovery And Motion Briefing Schedule* was electronically filed with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record who have enrolled and registered for receipt of filings via the Court's ECF system.

/s/ Leeanna Carcione